in order to enable the instrument's user to maintain control while applying minimal gripping force (see Column 3 lines 17-23). Although Silber discloses that the member is substantially non compressible (see Column 3 lines 17-19), Silber later discloses that the material used would have a low durometer and thus has a cushioning effect (see Column 3 lines 63-64). In addition, the preferred materials of the claimed invention such as Santoprene, silicone, and nitrile are specifically mentioned as being used to form the cushioned member (see Column 8 lines 28-60). It would have been obvious to one having ordinary skill in the art at the time the invention was made to add a cushioned member to the hand grip of Ott's trocar assembly in order to enable the instrument's user to maintain control of the instrument while applying minimal gripping force."

Applicants respectfully disagree with the Examiner's interpretation and application of the cited art. Claim 1 recites a trocar assembly including an obturator defining a longitudinal axis and having first and second ends. A sharpened tip is positioned on the first end of the obturator and a hand grip is positioned on a second end of the obturator opposite the first end. A cushioned member is positioned on at least one pressure contact surface of the hand grip.

Neither Ott nor Silber, taken alone or in combination, disclose or suggest such a trocar assembly. Although the Examiner is correct in stating that Ott recites a trocar assembly having an obturator, a sharpened tip and a hand grip, neither Ott nor Silber discloses a trocar assembly including a cushioned member positioned on at least one pressure contact surface of the hand grip. In contrast, Ott merely discloses a known safety trocar device and Silber discloses an ultrasound probe housing having a grip layer having a high coefficient of friction which enables an administering sonographer to maintain control over an ultrasound probe while applying minimal gripping force. Silber specifically states that the grip layer is "substantially non-compressible". It is noted that it is the desire of Silber to provide an ultrasound probe housing that can be controlled

while applying minimal gripping force to the housing. Silber does not disclose or in any way suggest a grip layer capable of absorbing or cushioning the grasping or actuating forces of a surgeon. As such, even if one were to modify Ott in view of Silber in the manner suggested by the Examiner, the modified device would not have a cushioned member positioned on at least one pressure contact surface of the hand grip as recited in Claim 1. Rather, the device would have a substantially non-compressible grip formed of a material having a high coefficient of friction.

Although the Examiner concedes that Silber teaches that the grip layer is preferably non-compressible, the Examiner argues that since Silber states that the grip layer is preferably a low durometer thermoplastic elastomer, the material would have a cushioning effect. This interpretation of Silber is contrary to the express teachings of Silber, i.e., that the grip layer is non-compressible. More specifically, Silber teaches that the preferred grip layer has no cushioning effect and to suggest that Silber teaches anything but is a gross mischaracterization of Silber's disclosure. Accordingly, applicants believe that Claim 1 is patentably distinct from any combination of Ott and Silber.

Claims 2-10 depend either directly or indirectly from Claim 1. For the reasons discussed above, inter alia, Applicants believe that Claims 2-10 are also in condition for allowance.

It is respectfully submitted that all of the claims now pending in this application, namely Claims 1-10, are in condition for allowance. Accordingly, early and favorable reconsideration of this application is respectfully requested. Should the Examiner feel that a telephone or personal interview may facilitate resolution of any remaining matters,

she is respectfully requested to contact Applicant's attorney at the number indicated below.

Respectfully submitted,

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Requirements under §1.121(1)(ii)

Marked up version to show all the changes relative to the previous version of Specification:

IN THE SPECIFICATION:

Page 4, paragraph 1, please delete lines 1-14 and replace with the following:

A cushioned grip member 22 is secured to at least one pressure contact region of hand grip 4. The pressure contact regions of the hand grip include those areas of the hand grip 4 to which a surgeon must grasp or apply pressure to during manipulation of the trocar assembly or insertion of obturator 6 through tissue into a body cavity. In a preferred embodiment, cushioned grip member 22 is formed from a thermoplastic elastomer or elastomer blend, such [a] as Versaflex™ or Santoprene™, and is over-molded onto hand grip 4. A preferred thermoplastic elastomer is OM1040-X Versaflex™. Alternately, the use of different cushioned or pliant materials is envisioned, as is the use of different techniques for fastening grip member 22 onto hand grip 4. For example, grip member 22 may be formed from other pliant materials, including plastics, elastomers, synthetics, etc. Moreover, grip member 22 may be fastened to hand grip 4 using other fastening techniques, e.g. chemical, physical, or mechanical, including adhesives, screws, welding, interengaging members, bonding, fusing, coating, dipping, spraying, etc.